

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE: PHENYLPROPANOLAMINE  
(PPA) PRODUCTS LIABILITY  
LITIGATION,

MDL NO. 1407

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This document relates to:

Ruby Clark v. Wyeth, No. 3-cv-  
3542.

ORDER GRANTING JOINT MOTION  
TO EXTEND FACT DISCOVERY  
DEADLINE

The parties have jointly submitted a motion to extend the case-specific fact discovery deadline in the above-referenced matter by six months to January 26, 2006. The parties assert that the extension is necessary because: (1) third-party medical providers have not yet produced requested medical records; (2) plaintiff's counsel was unable to contact him for a number of weeks; and (3) the January 26, 2006 deadline would coincide with the deadline in plaintiff's wife's PPA case which would promote

ORDER

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1 judicial efficiency.<sup>1</sup> The court having considered the motion  
2 hereby finds and rules as follows:

3 The court is not persuaded that a six month extension to the  
4 discovery deadline is necessary. The fact that a January 26, 2006  
5 discovery deadline would coincide with the deadline in the  
6 plaintiff's wife's case does not justify delaying the present  
7 case by six months. Nor does the fact that plaintiff's counsel  
8 was unable to locate plaintiff for a number of weeks. It is  
9 counsel's responsibility to keep track of his/her client and the  
10 client's responsibility to stay in contact with his/her attorney.  
11 Finally, the court understands that Wyeth has attempted to  
12 collect plaintiff's medical records from third-party providers  
13 for over a year. When Wyeth realized that the third-party  
14 providers were not cooperating with it, it should have employed  
15 the legal means afforded it by the Federal Rules of Civil  
16 Procedure to compel production of the records. The court suggests  
17 that Wyeth commence such action immediately because, while the  
18 court will extend the current deadline by three months, it will  
19 not grant any future extension requests.

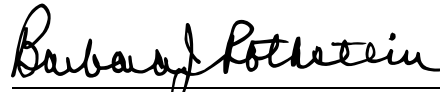
20 Based on the foregoing, the court hereby GRANTS the joint  
21 motion to extend the case-specific fact discovery deadline. The  
22 deadline is hereby extended by three months to and including  
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25 <sup>1</sup> Plaintiff's wife has also filed suit against Wyeth  
26 alleging injury related to the ingestion of PPA.

1 October 28, 2005.

2 DATED at Seattle, Washington this 28th day of June, 2005.

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5 BARBARA JACOBS ROTHSTEIN  
6 UNITED STATES DISTRICT COURT  
7 JUDGE  
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ORDER

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